

To: Fullagar, Jill[Fullagar.Jill@epa.gov]; Croxton, Dave[Croxton.David@epa.gov]; Henning, Alan[Henning.Alan@epa.gov]; Wu, Jennifer[Wu.Jennifer@epa.gov]; Jacobson, Martin[Jacobson.Martin@epa.gov]
From: Carlin, Jayne
Sent: Tue 6/23/2015 12:17:52 AM
Subject: Oregon NPS Plan, Annual Report and CZARA
2014 NPS ODEQ AREP JC Cmts.docx
Annual 319 Checklist.pdf

Hi All,

Attached are my comments (mostly for clarification) on Oregon's NPS annual report. Given that ODEQ posts these annual reports on their website, I suggest that we provide them with these comments (that they can choose to address before posting the report on their website as many of the mistakes would be embarrassing to them) but not require they submit a revised report as we can use the report submitted to us last week to complete the checklist and as one of the bases for our decision on NPS progress. I also attached the annual checklist, FYI and use.

Of note:

Oregon failed to provide 50% of the state's grant used to implement watershed based plans and did not ask for a waiver. According to Dave, Gene told him that ODEQ plans to include FTE in the calculation of amount of funding used to implement watershed based plans. Therefore, this is an easy fix. All we need is an email explanation from ODEQ. I'll locate some examples.

Often when preparing the letter of satisfactory progress, we will highlight successes and challenges so may want to review the report in this context.

As a major part of showing progress, ODEQ used tables from its draft NPS plan which has not yet been approved by EPA. It looks like ODEQ included milestone dates but not much accountability with respect to specific numbers (such as number of WQ10 stories). We'll need to discuss this in the context of the NPS plan review.

One of the 319 requirements is the development of WQ-10 stories (actually in the 319 grant guidance as one of the grant conditions). Although Oregon has developed what we call "making progress stories," ODEQ has only developed one WQ10 story ever. Part of the problem is the breakdown of the data base that houses monitoring data; I would love to highlight this in the

letter for satisfactory progress cover letter and ask how DEQ plans to address this deficiency/barrier/problem. Hopefully, Jill can help me with the wording as this impacts impaired listings too.

The NPS program is where Oregon's Coastal Nonpoint Pollution Control Program (CNPCP) under CZARA is implemented and I did not see much on specific CZARA milestones other than general description of the general CZARA program. Not sure if this is something we need or want to address in this context so keeping it as a placeholder. May depend on outcome of OR CZARA discussions.

Contained in the report (straight from the guidance) and which will be of interest to both Jenny and Alan is the following (that we may want to highlight in the cover letter—perhaps in the context of implementation ready TMDLs and midcoast TMDL efforts):

In order to ensure § 319-funded TMDLs have maximum utility for informing and facilitating the implementation of NPS projects, as a condition of using § 319 funds to develop TMDLs, the state will include the following supplemental information to support the load allocations specified in the TMDL:

- An identification of total NPS existing loads and total NPS load reductions necessary to meet water quality standards, by source type;
- A detailed identification of the causes and sources of NPS pollution by source type to be addressed in order to achieve the load reductions specified in the TMDL (e.g., acres of various row crops, number and size of animal feedlots, acres and density of residential areas); and
- An analysis of the NPS management measures by source type expected to be implemented to achieve the necessary load reductions, with the recognition that adaptive management may be necessary during implementation. EPA encourages state NPS staff to work with state TMDL staff during TMDL development. NPS staff can bring knowledge of BMP effectiveness and feasibility to ensure that NPS load reduction goals in the TMDL are achievable. Additionally, coordination between the two programs will provide a smoother transition from development of the TMDL to its implementation.

Because the submission of this additional information is a § 319 NPS program requirement, the information provided may be reviewed for adequacy by EPA regional NPS program staff as part of the grant oversight process. Such review is separate from the review by EPA regional staff pursuant to Clean Water Act § 303(d) and EPA's TMDL regulations at 40 CFR Part 130.7, of the proposed TMDLs submitted by states.

Now off to reviewing the NPS plan.

Cheers,

Jayne

Jayne Carlin, Watersheds Unit
US EPA, Region 10
1200 6th Ave, Suite 900 (OWW-134)
Seattle, WA 98101-3140
(206) 553-8512
carlin.jayne@epa.gov

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